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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/053,456

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Charles E. Schinner

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HEWLETT PACKARD COMPANY

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INTELLECTUAL PROPERTY ADMINISTRATION

FORT COLLINS, CO 80527-2400

EXAMINER

MILIA, MARK R

ART UNIT

PAPER NUMBER

2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/053,456

Applicant(s)

SCHINNER, CHARLES E.

Examiner

Mark R. Milia

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-13,15,16,18-22,24,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-13,15,16,18-22,24,26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 3/28/07 and has been entered and made of record. Currently, claims 1, 3-7, 9-13, 15-16, 18-22, 24, and 26-27 are pending.

Response to Arguments

2. Applicant's arguments filed 3/28/07 have been fully considered but they are not persuasive.

The applicant asserts that the combination of Petruchik (US 5619738) and Ikeda (US 6297874) fails to disclose, teach, or suggest at least "responsive to entry of the print size, means for enabling fewer than all of the plurality of image capture elements to capture the image data", as set forth in claims 1, 7, and 16. The examiner respectfully disagrees as the combination of Petruchik and Ikeda does disclose such a feature. Particularly, Ikeda discloses a camera that can write information regarding print size, among other information, into the magnetic memory region **27** of the film during shooting (see column 6 lines 55-64). The film is then processed by a film image reading apparatus that is controlled by CPU **1**. The CPU **1** reads in the print size information stored in magnetic memory region **27** and controls light source driving circuit **9**, light

Art Unit: 2625

source **10**, line sensor driving circuit **6**, and line sensor **12** accordingly. The CPU **1** sets the accumulation time and receiving units based on the print size information received from magnetic memory region **27**. Thus, it can be seen that in response to a print size, it is possible for fewer than all the image capture elements (combination of line sensor **12**, line sensor driving circuit **6**, and the photo-electric conversion units) to capture the image data (see column 7 line 25-column 8 line 64).

Therefore, the combination of Petruchik and Ikeda does disclose "responsive to entry of the print size, means for enabling fewer than all of the plurality of image capture elements to capture the image data", as set forth in claims 1, 7, and 16.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 3-7, 9-13, 15-16, 18-22, 24, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5619738 to Petruchik et al. in view of Ikeda et al. (US 6297874).

Regarding claim 1, Petruchik discloses an apparatus for capturing digital images, comprising: an image sensor including a plurality of image capture elements, each of the image capture elements configured to capture image data (see Fig. 7 and column 6 lines 4-41) an input element for communicating a print size to the apparatus (see Figs. 3, 4, and 6, column 4 line 38-column 5 line 17, column 5 lines 62-63, and column 6 lines

Art Unit: 2625

11-20), means for matching a selected print format with an aspect ratio corresponding to the print size (see Fig. 7, column 3 line 56-column 4 line 13, column 4 line 38-column 5 line 17, and column 6 lines 11-20 and 30-41) and cropping the image to attain an image that matches the aspect ratio corresponding to the print size selected by a user before the image is developed (see column 2 lines 46-53 and column 6 lines 11-20 and 30-35).

Petruchik does not disclose expressly responsive to entry of the print size, means for enabling fewer than all of the plurality of image capture elements to capture the image data and means for matching image capture elements corresponding to fewer than all of the plurality of image capture elements with an aspect ratio corresponding to the print size.

Ikeda discloses responsive to entry of the print size, means for enabling fewer than all of the plurality of image capture elements to capture the image data (see column 6 lines 55-64 and column 7 line 25-column 8 line 64) and means for matching image capture elements corresponding to fewer than all of the plurality of image capture elements with an aspect ratio corresponding to the print size (see Fig. 1, column 1 lines 31-33, column 2 lines 43-45, column 6 lines 55-64, column 7 lines 25-61, and column 8 lines 35-38, reference develops only that page of the image which matches the selected print size and therefore only uses the image capture elements that correspond to the selected print size).

Regarding claim 7, Petruchik discloses a method for adapting a print size to a captured image in a digital image capture device, the method comprising the steps of:

Art Unit: 2625

providing an image sensor including a plurality of image capture elements (see Fig. 7 and column 6 lines 4-41), matching a selected print format with an aspect ratio corresponding to a selected print size (see Fig. 7, column 3 line 56-column 4 line 13, column 4 line 38-column 5 line 17, and column 6 lines 11-20 and 30-41) and cropping the image to attain an image that matches the aspect ratio corresponding to the print size selected by a user before the image is developed (see column 2 lines 46-53 and column 6 lines 11-20 and 30-35), and presenting the captured image sensor data corresponding to the selected print size to a user of the image capture device (see Figs. 3-5).

Petruchik does not disclose expressly enabling fewer than all of the plurality of image capture elements to capture the image data and matching fewer than all of the plurality of image capture elements of the image sensor with an aspect ratio corresponding to a selected print size.

Ikeda discloses enabling fewer than all of the plurality of image capture elements to capture the image data (see column 6 lines 55-64 and column 7 line 25-column 8 line 64) and matching fewer than all of the plurality of image capture elements of the image sensor with an aspect ratio corresponding to a selected print size (see Fig. 1, column 1 lines 31-33, column 2 lines 43-45, column 6 lines 55-64, column 7 lines 25-61, and column 8 lines 35-38, reference develops only that page of the image which matches the selected print size and therefore only uses the image capture elements that correspond to the selected print size) and presenting image sensor data corresponding to the

Art Unit: 2625

selected print size to a user of the image capture device (see Figs. 1, 32, and 34-40 and column 12 lines 7-8 and 20-26).

Regarding claim 16, Petruchik discloses a computer readable medium having a program for adapting a print size to a captured image in a digital image capture device, the program including logic for performing the steps of: matching a selected print format with an aspect ratio corresponding to a selected print size (see Fig. 7, column 3 line 56-column 4 line 13, column 4 line 38-column 5 line 17, and column 6 lines 11-20 and 30-41) and cropping the image to attain an image that matches the aspect ratio corresponding to the print size selected by a user before the image is developed (see column 2 lines 46-53 and column 6 lines 11-20 and 30-35), and presenting the captured image sensor data corresponding to the selected print size to a user of the image capture device (see Figs. 3-5).

Petruchik does not disclose expressly enabling fewer than all of the plurality of image capture elements to capture the image data and matching the fewer than all of the plurality of image capture elements of the image sensor with an aspect ratio corresponding to a selected print size.

Ikeda discloses enabling fewer than all of the plurality of image capture elements to capture the image data (see column 6 lines 55-64 and column 7 line 25-column 8 line 64) and matching fewer than all of the plurality of image capture elements of the image sensor with an aspect ratio corresponding to a selected print size (see Fig. 1, column 1 lines 31-33, column 2 lines 43-45, column 6 lines 55-64, column 7 lines 25-61, and column 8 lines 35-38, reference develops only that page of the image which matches the

Art Unit: 2625

selected print size and therefore only uses the image capture elements that correspond to the selected print size) and presenting image sensor data corresponding to the selected print size to a user of the image capture device (see Figs. 1, 32, and 34-40 and column 12 lines 7-8 and 20-26).

Petruchik & Ikeda are combinable because they are from the same field of endeavor, processing and development of images captures by an image capture device.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the digital image capture device that utilizes image capture elements corresponding to fewer than all of the plurality of image capture elements corresponding to the print size, as described by Ikeda, with the system of Petruchik.

The suggestion/motivation for doing so would have been to improve accuracy and simplicity and reduce delay from the time of exposure to the time of final development (see column 1 lines 56-62 of Petruchik).

Therefore, it would have been obvious to combine Ikeda with Petruchik to obtain the invention as specified in claims 1, 7, and 16.

Regarding claim 3, Ikeda further discloses wherein a portion of the plurality of image capture elements is used to capture the image data and only a portion of the image data is presented to a user (see column 11 lines 1-8 and column 12 lines 20-26, only the portion of the image corresponding to the print size is printed out).

Regarding claim 4, Ikeda further discloses wherein the print size aspect ratio corresponds to the aspect ratio of the image sensor (see column 6 lines 59-62).

Regarding claim 5, Ikeda further discloses means for presenting an image capture template to a user of the apparatus (see Fig. 9).

Regarding claim 6, Ikeda further discloses wherein the image capture template provides a visual reference to the plurality of image capture elements that correspond to the selected print size (see column 2 lines 24-31).

Regarding claims 9 and 18, Ikeda further discloses the step of capturing image sensor data using only those image capture elements corresponding to the selected print size (see Fig. 1, column 1 lines 31-33, column 2 lines 43-45, column 6 lines 55-64, column 7 lines 25-61, and column 8 lines 35-38, reference develops only that page of the image which matches the selected print size and therefore only uses the image capture elements that correspond to the selected print size).

Regarding claims 10 and 19, Ikeda further discloses printing the image sensor data corresponding to the selected print size (see Fig. 1, column 8 lines 2-9, and column 9 lines 1-7).

Regarding claims 11 and 20, Ikeda further discloses presenting the image sensor data to a user of the image capture device (see Figs. 8 and 9) and superimposing an image capture template over the image sensor data, the image capture template providing a visual reference on a display (see Fig. 9).

Regarding claims 12 and 21, Ikeda further discloses wherein the visual reference corresponds to the image sensor data (see column 2 lines 24-31).

Regarding claims 13 and 22, Ikeda further discloses wherein the image capture template is one of fixed and variable (see Figs. 8 and 10).

Regarding claim 15, Ikeda further discloses wherein a plurality of image capture templates are made available to a user of the image capture device (see Figs. 8 and 10).

Regarding claims 24, 26, and 27, Petruchik further discloses presenting a user interface to enable entry of the print size by the user before image capture (see Fig. 3, column 2 lines 13-53, column 4 line 38-column 5 line 17, and column 6 lines 11-20).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2625

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRM

Mark R. Milia
Examiner
Art Unit 2625



KING Y. POON
PRIMARY EXAMINER